

FILED 08 AUG 27 15:15 2008 USDC OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LESTER CRAIN,

CV No. 07-6275-PA

Petitioner,

v.

JAMES BARTLETT, Superintendent,
Oregon State Correctional Institution,

ORDER DISMISSING PETITION
FOR WRIT OF HABEAS CORPUS
WITHOUT PREJUDICE

Respondent.

Based on the joint motion of the parties, the Court

HEREBY ORDERS this case dismissed without prejudice. The Court further incorporates into this order the agreement by the parties that due to the unique procedural posture of this case in the state court system, the petitioner's one-year statute of limitations under 28 U.S.C. § 2244(d)(1) has not yet begun to run on either guilt- or sentencing-phase claims.

Dated this 27 day of August, 2008.


Owen M. Panner
United States District Judge

Submitted by:

/s/ Amy Baggio

Amy Baggio
Assistant Federal Public Defender

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